

or either of them, in said suit, shall be a liquidated debt and shall be paid by the State Highway Commission of Texas out of the State Highway funds. Such a suit may be filed in any court of competent jurisdiction in Travis County, Texas.

DUGGAN.

On motion of Senator Duggan, the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

Adjournment.

On motion of Senator Martin, the Senate, at 3:25 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 7 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the appointment of Hon. Thomas H. Fox, of Birmingham, Alabama, as Commissioner of Deeds for the State of Texas in Alabama,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that he be confirmed.

MARTIN, Chairman.

EIGHTH DAY.

Senate Chamber,

Austin, Texas,

February 7, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum be-

ing present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Regan:

S. B. No. 6, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113, and 1114, of the Revised Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, at page 96, and as amended by Chapter 122, of the Acts of the Regular Session of the Forty-third Legislature, at page 320; providing for the character of repairs and extensions necessary to render efficient service, which shall be a first lien and charge upon the incomes of the particular utility which is repaired or extended, providing for proper records to be kept of income and expenses, providing a penalty for failure to maintain such records, providing that bonds issued under the provisions of this Act may be approved by the Attorney General and registered by the Comptroller, declaring projects carried out under the terms of this Act to be self-liquidating, repealing laws in conflict

herewith, providing that this law shall take precedence over conflicting charter provisions, validating all actions by cities and towns and their officials in authorizing and delivering securities to accomplish the object of this Act, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

S. C. R. No. 10.

Senator Woodul sent up the following resolution:

Be it Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Hon. Lee Wallace, Judge of the Thirty-eighth Judicial District of Texas, be, and he is hereby granted permission to be absent from the State of Texas at such intervals and for such time as he sees fit and desires while his courts are in vacation, during 1934 and 1935.

On motion of Senator Woodul, the Senate granted consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

Messages From the Governor.

Executive Department,
Austin, Texas, Feb. 7, 1934.
To the Forty-third Legislature in
Second Called Session:

It has been called to my attention that the Speaker of the House of Representatives has ruled that neither my call for the current special session nor the message heretofore submitted to you contains language to justify the levy and collection of taxes sufficient to retire the interest and sinking fund for the Relief Bonds mentioned in the call and in my message.

I was under the impression at the time, and I am now of the same impression, that my call and message were sufficiently broad to provide for taxation to provide the interest and sinking fund to retire said bonds. I call attention to the fact that my message says to pass such law or laws as may be necessary "to issue and sell" the remaining bonds "proposed and permitted" under the constitutional amendment of the State adopted by the voters of Texas at an election duly held on the 26th day of August 1933 for the purpose of effecting relief to the unemployed and indigent persons of the State.

By reference to this constitutional amendment it will appear authority is given to levy taxes on all sources of revenue accruing to the General Fund other than a tax on real estate. In other words, my message authorizes the Legislature to do anything as proposed and permitted under the constitutional amendment.

But to avoid any unnecessary discussion, I hereby submit for your consideration the question of raising by taxation revenues with which to pay the interest and sinking fund necessary to retire the bonds authorized under said constitutional amendment adopted on the 26th day of August, 1933, by the people at an election duly held.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Executive Department,
Austin, Texas, Feb. 7, 1934.
To the Forty-third Legislature in
Second Called Session:

At a former called session of the Legislature under authority of the constitutional amendment it was provided that the Texas Relief Commission should be composed of the Chairman of the Industrial Accident Board, the Chairman of the Texas Civil Judicial Council, three members to be appointed by the Lieutenant Governor and three by the Speaker of the House of Representatives, and one to be appointed by the Governor; and it was further provided that the Governor should not have any vote unless in case of a tie. Ever since the passage of said law, peace and harmony have not taken place in the proceedings of the Texas Relief Commission. Certain members of the Commission have not lost a single moment since their appointment to embarrass the present administration and to oppose the efforts of my office and appointees to successfully carry on the relief work in Texas.

Under the Federal authorities I am required to make application for all Federal funds and to see that same are properly distributed and to be responsible for the proper application of said funds for relief purposes. I am loaded with all sorts of obligations but divested of nearly all authority. I am perfectly willing to endure this attempted embarrassment which has been placed upon me by political partisans, yet such a pro-

cedure greatly hampers and interferes with an efficient administration of the public service. For that reason I have suggested to friends in the Legislature that the law ought to be changed so as to more justly and equitably divide authority if a successful result is to be hoped for. I have, therefore, suggested to these friends in the Legislature that the Texas Relief Commission should be composed of nine members—three to be appointed by the Lieutenant Governor, three by the Speaker of the House of Representatives, and two by the Governor, and the Governor allowed to vote as any other member. This would not permit me to dominate the Commission, but I submit in all fairness I should not be expected to perform all the duties of the office and then have no friend or vote in the deliberations. I submit this for your consideration.

Respectfully,
MIRIAM A. FERGUSON,
Governor.

Set for Special Order.

On motion of Senator Holbrook, H. J. R. No. 1 was set for special order after the morning call tomorrow.

Senate Simple Resolution No. 10.

Senator Purl sent up the following resolution:

Resolved, by the Senate of the State of Texas, That Hon. Jack Reed, Acting Director of Texas Relief Commission, be requested to furnish the Senate the minutes of the Texas Relief Commission, since the enactment of the present law concerning relief in Texas, in order that the Senate may have said minutes before it in determining what additional legislation, if any, is needed at this time.

BE IT FURTHER RESOLVED, That the Secretary of the Senate communicate this resolution to Mr. Reed for immediate compliance.

The resolution was adopted.

Recess.

On motion of Senator Martin, The Senate, at 10:35 o'clock a. m., recessed until 3 o'clock p. m. today.

Afternoon Session.

The Senate was called to order, pursuant to recess, at 3 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. C. R. No. 15, by a viva voce vote.

The House has adopted the following resolution:

S. C. R. No. 7—Commending the press of Texas for sponsoring "The Texas Press Good-Will Special Train" that will visit Washington and other eastern cities, etc.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 6, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Morse, Moffett, McKee, Patterson, and Pope.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Request Granted.

On motion of Senator Oneal, the Senate granted the request of the House for a free conference committee on H. B. No. 6.

The Chair appointed the following on the part of the Senate:

Senators Oneal, Poage, Purl, Sanderford, and Murphy.

Adjournment.

On motion of Senator Russek, the Senate, at 3:07 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 7, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. J. R. No. 1, proposing the ratification of an amendment to the Constitution of the United States, which amendment in substance, grants power to the Congress to limit, regulate and prohibit the labor of persons under 18 years of age, and expressly leaves unimpaired the power of the several states, except that the laws of said states shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL, Chairman.

NINTH DAY.

Senate Chamber,
Austin, Texas,
February 8, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Oneal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Poage.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senators Excused.

On motion of Senator Poage, Sena-

tor Oneal was excused for the day, on account of illness.

On motion of Senator Purl, Senator Fellbaum was excused indefinitely, on account of illness.

S. C. R. No. 11.

Senator Woodul sent up the following resolution:

Be It Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Honorable District Judges of each and all of the several Criminal District Courts of the State of Texas be, and they and each of them are hereby granted permission to be absent from the State of Texas at such intervals and for such time as they see fit and desire while their respective courts are in vacation, during 1934 and 1935.

WOODUL.

On motion of Senator Woodul, the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 8, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 10, Granting Hon. Lee Wallace, Judge of the Thirty-eighth Judicial District of Texas, permission to be absent from the State of Texas at certain intervals during 1934 and 1935.

H. C. R. No. 17, Defining the intent of the Legislature with reference to certain appropriations made for the Texas National Guard.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 12.

Senator Parr sent up the following resolution:

Whereas, By Chapter 68, Acts of the First Called Session of the Forty-third Legislature, being S. B. No. 69, there was created Valley Conservation and Reclamation District, embracing all the lands within the boundaries of Cameron, Hidalgo and Willacy Counties, Texas, for the purpose of the drainage of its overflowed